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- 2. Defendant acknowledges receipt of a plea agreement in this case and agrees to provide the signed, original plea agreement to the Government not later than five business days before the disposition date set by the Court.
- 3. Defendant agrees to plead guilty to the charge pursuant to the plea agreement on or before **November 30, 2007.** 
  - 4. The material witness, Ana Rosa Cadenas-Gomez, in this case:
    - a. Is an alien with no lawful right to enter or remain in the United States;
- b. Entered or attempted to enter the United States illegally on or about October 29, 2007;
- c. Was found in a vehicle driven by defendant at the San Ysidro, California Port of Entry (POE) and that defendant knew or acted in reckless disregard of the fact that she was an alien with no lawful right to enter or remain in the United States;
- d. Was paying \$3,000 to others to be brought into the United States illegally and/or transported illegally to her destination therein; and,
- e. May be released and remanded immediately to the Department of Homeland Security for return to her country of origin.
- 5. After the material witnesses are ordered released by the Court pursuant to this stipulation and joint motion, if defendant does not plead guilty to the charge set forth above, for any reason, or thereafter withdraws his guilty plea to that charge, defendant agrees that in any proceeding, including, but not limited to, motion hearings, trial, sentencing, appeal or collateral attack, that:
- a. The stipulated facts set forth in paragraph 4 above shall be admitted as substantive evidence;
- b. The United States may elicit hearsay testimony from arresting agents regarding any statements made by the material witness(es) provided in discovery, and such testimony shall be admitted as substantive evidence under Fed. R. Evid. 804(b)(3) as statements against interest of (an) unavailable witness(es); and,

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Dated: 11/12/07

HECTOR SANCHEZ

Defendant

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Stipulation of Fact and Joint Motion for Release of Material Witness(es) And Order Thereon in United States v. Hector Sanchez